

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

ARTHUR C. CARLSON, JR. and wife,)	
MARGARET G. CARLSON)	Civil Action No.: 1:06-1836-RBH
)	
Plaintiffs,)	
)	
v.)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

**ANSWERS OF THE UNITED STATES
TO STANDARD INTERROGATORIES
PURSUANT TO LOCAL RULE 26.01 DSC**

The United States of America, defendant, pursuant to Local Civil Rule 26.01 DSC, respectfully submits the following answers to the Court's standard interrogatories under Local Civil Rule 26.01 DSC.

- (A) State the name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.**

ANSWER: This Interrogatory is not applicable to the United States of America as the proper defendant.

- (B) As to each claim, state whether it should be tried jury or non-jury and why.**

ANSWER: This case is governed by 28 U.S.C. § 2402, which provides for a non-jury trial.

- (C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly**

owned company in which the party owns ten percent or more of the outstanding shares.

ANSWER: The United States of America is the submitting entity such that this question is not applicable.

(D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

ANSWER: It appears that the wreck occurred in Barnwell, South Carolina.

(E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the Court of court based on a determination of whether the cases: arise from the same or identical transactions, happenings or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judge?

ANSWER: It does not appear that there are any related actions filed at the federal level, though the Carlsons have sued the State of South Carolina in state court. *Arthur C. Carlson and Margaret G. Carlson v. SC Dep't of Trans.*, 2005-CP-06-209.

(F) [Defendants only] If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

ANSWER: The United States of America is properly identified as the Defendant.

(G) [Defendants only] If you contend that some other person or legal entity is in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

ANSWER: The State of South Carolina can be held liable for damages caused by a falling tree standing within the limits of or in close proximity to a

public highway. *Ford v. SC Dep't of Trans.*, 328 S.C. 481, 492 S.E.2d 811 (Ct. App. 1997). The Plaintiffs Arthur and Margaret Carlson are liable under the doctrine of contributory and comparative negligence.

Respectfully submitted,

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